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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: §
§
WALNUT HILL PHYSICIANS § **CASE NO. 17-32255-bjh-7**
HOSPITAL, LLC §
§ **CHAPTER 7**
§
DEBTOR. §

TRUSTEE'S MOTION TO PAY STORAGE EXPENSE

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET, ROOM 12A24, DALLAS, TEXAS 75242 BEFORE CLOSE OF BUSINESS ON JUNE 7, 2018, WHICH IS TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE BARBARA J. HOUSER, CHIEF U. S. BANKRUPTCY JUDGE:

Scott Seidel, chapter 7 Trustee (the “Trustee”) of the estate of Walnut Hill Physicians Hospital ,LLC. (“the Debtor”) files this his *Trustee's Motion to Pay Storage Expense* (the “Motion”) and would respectfully show the Court as follows:

JURISDICTION

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §1334 and 157. This Motion is a matter concerning the administration of the estate, and is therefore, a core matter pursuant to 28 U.S.C. §§ 157 (b)(1), (b)(2)(A), and (b)(2)(M).
2. Venue in this Court is proper pursuant to 28 U. S. C. § 1409.
3. The statutory basis for the relief requested herein is Section 105, 363 and 506(c) and 507 of the United States Bankruptcy Code (the "Code").

FACTS

4. The Debtor filed its voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code on June 6, 2017 (the "Petition Date"), thereby initiating this Bankruptcy Case and creating its bankruptcy estate (the "Estate").
5. The Trustee is the duly appointed Chapter 7 trustee of the Estate.
6. On the Petition Date, the Debtor had possession of approximately 100 boxes of books and records of the Debtor (the "Records Property"). The books and records were considered by certain parties as possibly critical and were obviously related to hospital operations and information, some of which may involve HIPPA information.

7. The Trustee, at his own expense, took possession of the Records Property and moved and stored the records with a local moving and storage company at the demand of certain parties in interest and pursuant to requirements involving such documents. The Trustee must pay the expense for moving (\$1749.07 Exhibit "A") and storing (\$1,638.18 per month) (Exhibit "B"), these records plus access fees during the pendency of the case or until further order of the court or the time period for storing such records elapses [Doc. No. 201]. The storage charges are \$1.50 per square foot monthly and the records are occupying 1000 square feet, most of which are confidential and in a locked area.

RELIEF REQUESTED

8. The Trustee hereby moves the Court to order, pursuant to 11 U.S.C. 105, 363 and 506(c) and 507 of the United States Bankruptcy Code (the "Code") that the Trustee be authorized to pay McCollister's the total amount of \$ \$14,854.61 immediately as a priority Chapter 7 administrative expense as well as any further storage monthly charges of \$1638.18 per month plus any additional charges for accessing the files.

9. A true, complete and correct copy of this Motion has been served upon the creditors and parties-in-interest listed on file in this case.

10. Under the circumstances, the Trustee submits that such notice is adequate and appropriate.

WHEREFORE, the Trustee prays for an Order Authorizing the Trustee to immediately pay the actual moving and storage expense of the Records Property upon the terms and conditions set forth in the Motion, and prays for such other and further relief, legal or equitable, to which the Trustee may be justly entitled.

Respectfully submitted,

/s/ Scott M. Seidel
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CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned does hereby certify that I caused true and correct copies of the foregoing *Motion* was served via first class mail, postage prepaid, on the parties on the attached service list, and upon the parties receiving notice through the Court's ECF system by filing with the Court's ECF system at the date and time filed.

/s/ Scott M. Seidel